

California Civil Remedies

California has two Civil Rights statutes that protect you against hate crimes, intimidation, discrimination or interference with your state or federal statutory or constitutional rights. The Ralph Civil Rights Act (Civil Code section 51.7) and the Bane Civil Rights Act (Civil Code section 52.1) can be enforced by the District Attorney, City Attorney, California Attorney General, California Department of Fair Employment and Housing or a private attorney. You have the right to freedom from any violence or intimidation because of your race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, disability or position in a labor dispute. The party asking for enforcement of rights can request injunctive relief, actual and punitive damages, penalty assessments, attorney fees and other equitable remedies.

How to deal with hate speech on social media?

It is not uncommon to come across hate speech and bullying on mainstream social media platforms. It can also be found in online gaming, live-streaming, image sharing platforms, and chat rooms or message board style forums.

In order to help combat hate speech and bullying it is important to:

1. Hold platforms accountable by reporting any hate speech or bullying to the appropriate platform.
2. Raise awareness of the problem
3. Boost positive messages of tolerance
4. Notify organizations fighting hate about the instances that you see.

Directory

Emergency

9-1-1

LGMSPD Non-Emergency

(408) 354-8600

Santa Clara County District Attorney's Office

(408) 299-7400

Anti-Hate Hotline

(408) 279-0111

Network for a Hate-Free

(408) 792-2304

Human Relations Network for a Hate-Free Community

(408) 792-2304

CA Department of Fair Employment & Housing

(800) 884-1684

County of Santa Clara Victim Services Unit

(408) 295-2656

Law Enforcement Policy

The Town of Los Gatos and the Los Gatos-Monte Sereno Police Department recognizes the far-reaching negative consequences that hate crimes have on our community. Our hate crime policy can be found in our Policy Manual on the Los Gatos-Monte Sereno Police Department website.

This brochure was printed in compliance with Penal Code section 13873.

HATE CRIMES/ HATE INCIDENTS



Los Gatos-Monte Sereno Police Department

110 E. Main Street, Los Gatos, CA 95030
Non-Emergency Phone: (408) 354-8600

Can you be the victim of a hate crime?

Yes, a victim is **any person** who is threatened or injured or has his/her property damaged because of his/her race, color, religion, ancestry, national origin, disability, gender or sexual orientation. However, a victim may also be threatened or injured because the criminal **perceives** the victim to be of a certain race, color, religion, ancestry, national origin, disability, gender or sexual orientation.

For example, if the criminal perceives the victim to be Irish and the criminal injures the victim because he believes the victim is of Irish descent, a hate crime has been committed even if the victim is of another origin.

A victim may also be a public agency or private institution if property damage occurs because the public agency or private institution is identified or associated with a person or group of an identifiable race, color, religion, nationality, country of origin, ancestry, gender, disability or sexual orientation.

What should you do if you believe you are the victim of a hate crime?

1. Call the police immediately.
 2. Seek medical attention for injuries.
 3. Document the exact words spoken to you by the criminal as soon as practicable.
 4. Photograph property damage.
 5. Save any evidence which might aid in the apprehension and prosecution of the criminal.
- If you report your victimization to the police, you do not have to reveal your sexual orientation, religious preference or national origin. In order to prosecute a hate crime, the prosecutor need only prove what the criminal perceived and that perception was the substantial reason for the commission of the crime.



What is a hate crime?

“Hate crime” includes but is not limited to a violation of Penal Code 422.6, and means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim: disability, gender, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics.

Note: A “hate crime” need not be motivated by hate but may be motivated by any bias against a protected characteristic.

What is a hate incident?

A hate incident is an action or behavior motivated by hate or bias but legally protected by the First Amendment right to freedom of expression. Examples of hate incidents include: name-calling, insults and epithets, distributing hate material in public places, or displaying hate material on your own property.

What is hate speech?

The First Amendment to the U.S. Constitution protects most speech, even when it is disagreeable, offensive, or hurtful. The following types of speech are generally not protected: fighting words, true threats, perjury, blackmail, incitement to lawless action, conspiracy, or solicitation to commit any crime.